

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**


**TONY AND MIP'S, INC.,
TONY THANGSONGCHAROEN, and
SOMNUEK THANGSONGCHAROEN**

Plaintiffs,

V.

UNITED STATES OF AMERICA,

Defendant.



Case No. 3:17-cv-609-B

AMICUS CURIAE THE DALLAS MORNING NEWS, INC.’S
MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to Local Rule 7.2(b), The Dallas Morning News, Inc. (“TDMN”), seeks leave to file the attached Amicus Brief concerning the protective order requested by the United States in its Amended Emergency Motion for Protective Order (the “Motion”). *See* [Dkt. 43].

The Motion seeks a protective order preventing TDMN journalist Kevin Krause from accepting Plaintiffs’ invitation to attend the scheduled deposition of a government official. Plaintiffs and TDMN oppose the requested protective order, and desire that Mr. Krause attend the deposition. TDMN’s short amicus brief on this matter will provide the Court with an important perspective on the issues raised by the Motion that is not presented by the parties—that of the press. *See City of Dallas, Tex. v. Hall*, No. 3:07-CV-0060-P, 2008 WL 2622809, at *3 (N.D. Tex. June 30, 2008) (granting leave to file several amicus briefs based on the different “perspectives” and “viewpoints” presented); *see also Bush v. Viterna*, 740 F.2d 350, 359 (5th Cir. 1984) (“Where he presents no new questions, a third party can contribute usually most effectively and always most expeditiously by a brief amicus curiae and not by intervention”). TDMN’s interest in the

matter is more fully set forth in its brief. *See* Local Rule 7.2(b) (“An amicus brief . . . must specifically set forth the interest of the amicus curiae in the outcome of the litigation”).

Respectfully submitted,

/s/ Paul C. Watler

Paul C. Watler

State Bar No. 20931600

pwatler@jw.com

Eric D. Wong

State Bar No. 24102659

ewong@jw.com

JACKSON WALKER L.L.P.

2323 Ross Avenue, Suite 600

Dallas, Texas 75201

(214) 953-6000 – Telephone

(214) 953-5822 – Fax

**ATTORNEYS FOR AMICUS CURIAE
THE DALLAS MORNING NEWS INC.**

CERTIFICATE OF CONFERENCE

On December 17, 2018, I conferred with Jason P. Freeman, counsel for Plaintiffs, regarding the relief requested in this motion. Plaintiffs do not oppose the requested relief. On December 20, 2018, I conferred with Curtis C. Smith, counsel for Defendant, regarding the relief requested in this motion. Defendant does oppose the requested relief.

/s/ Eric D. Wong
Eric D. Wong

CERTIFICATE OF SERVICE

This certifies that on December 21, 2018, a true and correct copy of the foregoing document was served via the Court's ECF system upon all counsel of record who are registered ECF users pursuant to Local Civil Rule 5.1(d), or by another manner authorized by Rule 5(b)(2) of the Federal Rules of Civil Procedure.

/s/ Eric D. Wong
Eric D. Wong